



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,282	10/22/2001	Atsushi Shimizu	15115/008001	3807

22511 7590 07/12/2004

OSHA & MAY L.L.P.
1221 MCKINNEY STREET
HOUSTON, TX 77010

EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,282

Applicant(s)

SHIMIZU ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3624

DETAILED ACTION

1. This communication is in response to the request for continued examination filed on April 29, 2004. Amendments to claims 1 and 4 and cancellation of claims 3 and 6 made in the request have been entered. Claims 1, 2, 4 and 5 are pending and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (US Patent 5,953,710) in view of Brown (US Patent 5,875,435)

With reference to claim 1, Fleming teaches an electronic settlement system for electronically paying from a spending account a plurality of expenses requested by a user within a predetermined period, comprising: deposit processing means for processing a deposit for each of the plurality of expenses, wherein the spending account is electronically unassociated with an investment account (See Fleming Column 2 lines 19-24 and Column 7 lines 25-37); payment processing means for processing a payment from the spending account for each of the plurality of expenses (See Fleming Column 5 lines 16-19); storage means for storing payment method, payment period, scheduled payment amount, and credit limit for each of the plurality of expenses (See Fleming Column 7 lines 4-8); and management means for totalizing the deposits and payments

Art Unit: 3624

from a user through the electronic settlement system and informing the user of the totalized amount thereof for each of the plurality of expenses (See Fleming Column 7 lines 25-37). The statement lists include the totals of deposits and expenses also.

Fleming does not explicitly teach the step wherein the management means divides the expense requested to be paid into tax deduction expense and non-tax deduction expense, and outputs deposits and payments of the tax deduction expense within a tax fiscal year in a predetermined output form at an end of the tax year.

Brown teaches the steps of sorting transactions and producing an accounting statement in a desired format (See Brown Column 2 lines 3-7, 38-55 and claim 1). The steps of sorting transactions and producing an accounting statement in a desired format is interpreted to include the step of dividing the expense requested to be paid into tax deduction expense and non-tax deduction expense, and outputting deposits and payments of the tax deduction expense within a tax fiscal year in a predetermined output form at an end of the tax year.

It would have been obvious to one with ordinary skill in the art at the time of invention to include the teachings of Brown to the disclosure of Fleming. The combination of the disclosures taken as a whole suggests that it would have helped users sort their transactions and help keep their records in a desired format.

With reference to claim 2, Fleming teaches an electronic settlement system of claim 1 further comprising a credit limit alteration means for altering credit limit stored by the storage means that is calculated at a time when request of payment by the electronic payment system is received. (See Fleming Column 1 lines 50-66).

Art Unit: 3624

With reference to claim 4, Fleming teaches an electronic settlement method for electronically paying from a spending account, which is electronically unassociated with an investment account, a plurality of expenses requested by a user within a predetermined period, comprising: storing payment method, payment period, scheduled payment amount, and credit limit of the expense that is requested to pay by the electronic settlement method for each of the plurality of expenses (See Fleming Column 7 lines 4-8); storing a deposit data from a user for each of the plurality of expenses (See Fleming Column 2 lines 19-24); upon receiving a request to pay by the electronic settlement system, determining whether payment is allowed based on the stored data of deposit and credit limit for the expense; and paying the requested expense if payment to that request is determined to be allowable, and rejecting the payment if payment to that request is not allowable (See Fleming Column 9 lines 25-47).

Fleming does not explicitly teach the step comprising dividing the expense requested to be paid into tax deduction expense and non-tax deduction expense, and outputting deposit and payments of the tax deduction expense within a tax fiscal year in a predetermined output form at an end of the tax fiscal year.

Brown teaches the steps of sorting transactions and producing an accounting statement in a desired format (See Brown Column 2 lines 3-7, 38-55 and claim 1). The steps of sorting transactions and producing an accounting statement in a desired format is interpreted to include the step of dividing the expense requested to be paid into tax deduction expense and non-tax deduction expense, and outputting deposits and payments of the tax deduction expense within a tax fiscal year in a predetermined output form at an end of the tax year.

Art Unit: 3624

It would have been obvious to one with ordinary skill in the art at the time of invention to include the teachings of Brown to the disclosure of Fleming. The combination of the disclosures taken as a whole suggests that it would have helped users sort their transactions and help keep their records in a desired format.

With reference to claim 5, Fleming teaches an electronic settlement method of claim 4 further comprising calculating difference between total deposit amount and total payment amount at a time payment is requested to the electronic settlement system, altering credit limit stored in the system based on the difference, and determining whether payment is allowable to that request of payment to the electronic settlement system. (See Fleming Column 1 lines 50-66).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft to the Patent Office is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

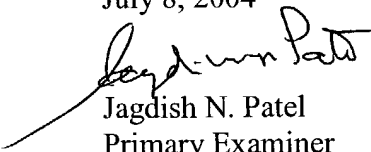
Application/Control Number: 10/004,282

Page 6

Art Unit: 3624

N. Subramanian

July 8, 2004

A handwritten signature in cursive script, appearing to read "Jagdish N. Patel", written in dark ink.

Jagdish N. Patel
Primary Examiner